REMARKS

Claims 1-4 were presented and examined. Claims 1, 3, and 4 are amended. No claims are added or cancelled. Claims 1-4 remain in the application. Reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Rejections of the Claims under 35 U.S.C. § 103

Claims 1-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Publication 2001/0025310 of Krishnamurthy, et al. ("Krishnamurthy") in view of US Publication 2003/0048760 of Kobayashi ("Kobayashi"). Applicants respectfully traverse these rejections.

While Applicant's argument here is directed to the cited combination of references, it is necessary to first consider their individual teachings, in order to ascertain what combination (if any) could be made from them.

Regarding claim 1, claim 1 is amended to recite the following claim feature which is neither taught nor suggested by the combination of Krishnamurthy in view of Kobayashi or the references of record:

> ...wherein the QoS data rate for multimedia
> applications is prioritized over the QoS data rate for general
> applications by transmitting multimedia application data
> over a reserved path from one of the first, second, and third
> paths.

Regarding Krishnamurthy, this reference generally relates to a system for price-based quality of service (QoS) control in networks. As correctly recognized by the Examiner, Krishnamurthy fails to disclose each of the features of the transmitting node for separating multimedia application data and general application data. As a result, the Examiner cited Kobayashi.

Regarding the rejection of Claim 1, the Examiner has failed to identify, and we are unable to discern, any portion of either Kobayashi or Krishnamurthy which teaches or

suggests that a QoS data rate for multimedia application data is guaranteed and a QoS data rate for general application data is not guaranteed, where the QoS data rate for multimedia applications is prioritized over the QoS data rate for general applications, as in Claim 1.

According to the Office Action, this feature of Claim 1 is disclosed by paragraphs 90, 83, 176, 91, and 98 of Kobayashi (see pages 5-6 of the Office Action mailed April 16, 2008). However, as disclosed by Kobayashi, a route selection condition setting unit 33 selects the optimal route of paths for transfer of each data separated in accordance with a data classification condition (see page 4, paragraph 83). We submit that selecting the optimal route for each string of data in accordance with a discriminated type and destination and a holding unit for holding the optimal routing information for each type of data and destination and sending received data toward the optimal route (see Abstract), is different from a QoS data rate for multimedia application data that is guaranteed and a QoS data rate for general application data that is not guaranteed, where the QoS data rate for multimedia application data is prioritized over the QoS data rate for general application data. We believe that by selecting the optimal route for each type of data and the corresponding destination, Kobayashi does not teach that QoS data rate for multimedia application data is prioritized over the QoS data rate for general application data, as in Claim 1.

Therefore, no combination of Krishnamurthy in view of Kobayashi can teach or suggest a transmitting node that separates multimedia application data and general application data with a QoS data rate that is based on a required data rate for guaranteeing QoS based on application type, much less a QoS data rate for multimedia application data that is guaranteed and a QoS data rate for general application data that is not guaranteed, where the QoS data rate for multimedia application data is prioritized over the QoS data rate for general application data, as in Claim 1.

For each of the above reasons, therefore, Claim 1 and all claims which depend from Claim 1 are patentable over the cited art.

Each of independent Claims 3 and 4 recite features similar to those highlighted above with reference to Claim 1. Therefore, Claims 3 and 4 are patentable over the cited art for similar reasons. Withdrawal of the 35 U.S.C. §103(a) rejections of Claims 1-4 is respectfully requested.

DEPENDENT CLAIMS

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on April 16, 2008, Applicant respectfully petitions Commissioner for a one (1) month extension of time, extending the period for response to August 16, 2008. Please charge Deposit Account No. 02-2666 in the amount of $60.00 to cover the petition filing fee.
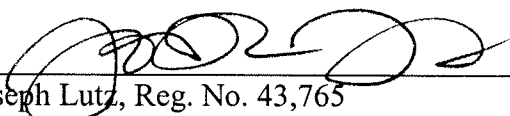
CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: August 15, 2008

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CERTIFICATE OF ELECTRONIC FILING
I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Alexandra Y. Caluen   August 15, 2008